

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek 09/03/2003  
Departmental Paperwork Clearance Officer  
Office of the Chief Information Officer  
14th and Constitution Ave. NW.  
Room 6625  
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for the extension of approval of an information collection received on 07/17/2003.

TITLE: Reporting Requirements for Commercial Fisheries  
Authorization under Section 118 of the Marine  
Mammal Protection Act

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE

OMB NO.: 0648-0292

EXPIRATION DATE: 09/30/2006

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	10,000	1,500	0
New	200	30	0
Difference	-9,800	-1,470	0
Program Change		0	0
Adjustment		-1,470	0

TERMS OF CLEARANCE: None

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OMB Authorizing Official Title

Donald R. Arbuckle Deputy Administrator, Office of  
Information and Regulatory Affairs

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# PAPERWORK REDUCTION ACT SUBMISSION

**Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.**

1. Agency/Subagency originating request	2. OMB control number <span style="float: right;">b. <input type="checkbox"/> None</span> a. _____ - _____
3. Type of information collection ( <i>check one</i> ) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested ( <i>check one</i> ) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated  5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No  6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) ( <i>if applicable</i> )	
9. Keywords	
10. Abstract	
11. Affected public ( <i>Mark primary with "P" and all others that apply with "x"</i> ) a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government	12. Obligation to respond ( <i>check one</i> ) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden ( <i>in thousands of dollars</i> ) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection ( <i>Mark primary with "P" and all others that apply with "X"</i> ) a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting ( <i>check all that apply</i> ) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission)  Name: _____ Phone: _____

## 19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

**NOTE:** The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
  - (i) Why the information is being collected;
  - (ii) Use of information;
  - (iii) Burden estimate;
  - (iv) Nature of response (voluntary, required for a benefit, mandatory);
  - (v) Nature and extent of confidentiality; and
  - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator or head of MB staff for L.O.s, or of the Director of a Program or Staff Office)	
Signature	Date
Signature of NOAA Clearance Officer	
Signature	Date

**SUPPORTING STATEMENT  
REPORTING REQUIREMENTS FOR COMMERCIAL FISHERIES AUTHORIZATION  
UNDER SECTION 118 OF THE MARINE MAMMAL PROTECTION ACT  
OMB CONTROL NO. 0648-0292**

**A. JUSTIFICATION**

**1. Explain the circumstances that make the collection of information necessary.**

The Marine Mammal Protection Act (16 U.S.C. 1361 et seq.; MMPA or the Act) mandates the protection and conservation of marine mammals and makes the taking of marine mammals, except under limited exceptions, a violation of the Act. MMPA section 118 provides an exception to that prohibition for taking of marine mammals incidental to commercial fishing operations subject to requirements listed in that section. The owner of any fishing vessel engaged in any fishery identified by NMFS as having either a frequent (Category I) or an occasional (Category II) taking of a marine mammal is required to register with the Secretary in order to obtain an authorization for the purpose of incidentally taking marine mammals and to be legally operating in that fishery. Fishers operating in fisheries identified by NMFS as having only a remote chance (Category III) to take marine mammals need not apply. The PRA submission for the registration of fishers is approved under OMB 0648-0293.

The owner or operator of a commercial fishing vessel, regardless of the classification of the fishery, is required under the Act to report all incidental mortality and injury of marine mammals in the course of commercial fishing operations. Supplying the information is mandated under Section 118(e) of the MMPA and is needed by NMFS to determine the correct category placement for fisheries.

**2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.**

Reports. The information supplied by the owner or operator of a commercial fishing vessel is mandated by Section 118(e) of the MMPA and is needed by the agency to determine the correct category placement of fisheries. The MMPA states:

The owner or operator of a commercial fishing vessel subject to the Act shall report all incidental mortality and serious injury of marine mammals in the course of commercial fishing operations to the Secretary by mail or other means acceptable to the Secretary within 48 hours after the end of each fishing trip on a standard postage-paid form to be developed by the Secretary under this section. Such form shall be capable of being readily entered into and usable by an automated or computerized data processing system and shall require the vessel owner or operator to provide the following:

- a. The vessel name, and Federal, states, or tribal registration numbers of the registered vessel.
- b. The name and address of the vessel owner or operator.
- c. The name and description of the fishery.
- d. The species of each marine mammal incidentally killed or injured, and the date, time, and geographic location of such occurrence.

NMFS has received mortality and serious injury reports provided during 1996, 1997, 1998, 1999, 2001, and 2002 as well as additional information available on the taking of marine mammals. Based on these reports and available scientific information, NMFS has classified or reclassified fisheries as Category I, II, or III. Regardless of the classification of the fishery, all incidental mortality and injury of marine mammals in the course of commercial fishing operations must be reported to NMFS.

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. NOAA Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.**

The Act requires that all reports of incidental mortality and serious injury be submitted to the Secretary by mail on the postage paid form or other means acceptable within 48 hours after the end of each fishing trip. Such forms are capable of being readily entered into and usable by an automated or computerized data processing system. The legislative history of the amendments indicates that Congress intended for the report forms to be machine-readable for use in a computerized data system. Fillable PDF forms will be available on-line by October 2003.

**4. Describe efforts to identify duplication.**

NMFS has joint authority with the U.S. Fish and Wildlife Service (USFWS), Department of the Interior, to manage marine mammals. The U.S. Department of the Interior has not been authorized by statute to promulgate regulations on this matter, therefore, USFWS has not established its own registration and reporting system for authorization on its marine mammal species but cooperates with NMFS in establishing a single registration and reporting system. NMFS continues to consult with the USFWS on this matter and a USFWS staff person has attended task force meetings with NMFS. NMFS remains responsible for the information

collection process, distributing authorizations, and maintaining the marine mammal reporting system.

While existing information will be used to the extent possible during the registration and review process, the newly identified fishermen in Category I or II fisheries are required to submit an application to obtain an authorization. Category I and II fisheries, as well as Category III fisheries, are required to submit reports on the incidental mortality and injury of marine mammals.

**5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.**

This collection will not have a significant impact on small entities. The MMPA Amendments instructs the Secretary to develop a standard postage-paid reporting form capable of being readily entered into and usable by an automated or computerized data processing system. This postage-paid form requires less than 15 minutes to complete and can be dropped in any mailbox within 48 hours of the vessel's return to port. There is no cost or significant investment of time required to fulfill the reporting requirement.

**6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.**

Reports of lethal take or serious injury within 48 hours of the end of the fishing trip are mandated by statute. Without reports of mortality or serious injury, NMFS would be unable to implement the statutory mandate to assess the impact of U.S. commercial fisheries on marine mammal populations and stocks.

**7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.**

This collection is consistent with the guidelines.

**8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

A Federal Register Notice (copy attached) solicited public comment on this submission; none was received.

**9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.**

Not applicable.

**10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.**

The MMPA, section 118 and NMFS regulations at 50 CFR 229.11 provide that proprietary information obtained under 50 CFR Part 229 is confidential and will not be disclosed except under listed circumstances.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.**

No sensitive questions are asked.

**12. Provide an estimate in hours of the burden of the collection of information.**

NMFS has estimated that the total mortality and injury of marine mammals as a result of U.S. commercial fishing activity is 200 per year. Average response time to complete the report form is 0.15 hours. Therefore, estimated total annual hours requested is  $200 \times 0.15 \text{ hours} = 30 \text{ hours}$ . Only one postage-paid reporting form is required.

**13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).**

There are no expected costs to respondents to complete the postage-paid reporting form.

**14. Provide estimates of annualized cost to the Federal government.**

Costs: Materials – Reporting forms	$30,000 \times 0.07/\text{pg} . =$	2,100
Postage -- Reports	$30,000 \times 0.37(\text{postage}) =$	<u>11,100</u>
		\$13,200

**15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.**

There is a decrease in reporting forms because previous estimates have been based on the possible number of reports, while the revised figures reflect the numbers actually received. There also has been a correction of a match error.



**16. For collections whose results will be published, outline the plans for tabulation and publication.**

The results are published in the *Annual Report Administration of the Marine Mammal Protection Act of 1972*.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.**

Not applicable.

**18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.**

There are no exceptions.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection does not employ statistical methods.





# MARINE MAMMAL AUTHORIZATION PROGRAM

## MORTALITY/INJURY REPORTING FORM

~~National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910~~ ~~May 2000~~

### INSTRUCTIONS FOR COMPLETING THE MORTALITY/INJURY REPORTING FORM

This reporting form is required **ONLY WHEN** there is an incidental mortality or injury to a marine mammal during commercial fishing activities. You are required to report the incidental mortality or injury within 48 hours after the end of the fishing trip, or, for non-vessel fisheries, within 48 hours of an occurrence of an incidental mortality or injury. A separate report form is required for each fishery, for each date, and for each location.

A COMPUTER WILL ELECTRONICALLY SCAN THIS FORM. PLEASE PRINT NEATLY AND IN CAPITAL LETTERS.

The reporting form should be detached from this instruction sheet, folded, and sealed prior to mailing. No postage is necessary for mailing. Forms may also be faxed to NMFS at (301) 713-4060 or (301) 713-0376. Questions regarding completion of this form, and requests for additional forms, may be directed to the NMFS Office of Protected Resources (F/PR2), 1315 East-West Hwy., Silver Spring, MD 20910-3226, (301) 713-2322.

### MORTALITY/INJURY REPORT FIELD DEFINITIONS

- 1 - **LAST NAME:** Enter the last name of the operator of the vessel or permit holder.
- 2 - **FIRST NAME:** Enter the first name of the operator of the vessel or permit holder.
- 3 - **MI:** Enter the middle initial of the operator of the vessel or permit holder.
- 4 - **ADDRESS:** Enter the street address or P.O. Box number of the operator of the vessel.
- 5 - **CITY:** Enter the city name of the operator of the vessel.
- 6 - **STATE:** Enter the 2-digit state code of the operator of the vessel.
- 7 - **ZIP:** Enter the zip code of the operator of the vessel.
- 8 - **VESSEL NAME:** Enter the name of the vessel as it is identified for commercial fishing operations. For non-vessel fisheries, leave this blank.
- 9 - **COAST GUARD DOCUMENT NO.:** Enter the vessel's Coast Guard Documentation number; OR Enter the **VESSEL'S STATE REGISTRATION NO.:** One of these numbers must be provided. For non-vessel fisheries, enter the state fishery permit number.
- 10 - **STATE COMMERCIAL VESSEL LICENSE NO.:** Enter the vessel's state commercial vessel license number, if applicable.
- 11 - **FISHERY IDENTIFICATION NO.:** (Category I or Category II fisheries) Enter the NMFS fishery I.D. number (indicated on the vessel's MMAP authorization certificate) for the fishery in which this incident occurred. If the fishery ID number is unknown, or the vessel is not registered under the MMAP, fill in gear type and target species under item 12.
- 12 - **GEAR TYPE AND TARGET SPECIES:** (Category III fisheries) Enter the type of fishing gear used and the target species being fished when this incident occurred.
- 13 - **DATE OF MORTALITY/INJURY:** Enter the date the mortality/injury occurred. For example: June 1, 1996 is entered as 06/01/96.
- 14 - **TIME OF MORTALITY/INJURY:** Enter the approximate time of day the mortality/injury occurred. Indicate AM if the mortality/injury occurred between midnight & noon, or PM if the mortality/injury occurred between noon and midnight.
- 15 - **LOCATION OF MORTALITY/INJURY LATITUDE & LONGITUDE:** Use standard entries in degrees and minutes.
- 16 - **TYPE OF INTERACTION:** Enter whether this incident was incidental or intentional.
- 17 - **SPECIES INCIDENTALLY KILLED OR INJURED:** Enter the species code and the mortality/injury code of the animal(s) involved. (Refer to the species and mortality/injury code lists included on page 2 of these instructions.) Enter the number of animals involved in each mortality/injury. You may enter up to three (3) injury codes per species. Make as many entries as apply to the date, time, and location entered in items 13-15.
- 18 - **DESCRIPTION OF UNKNOWN SPECIES:** If you have entered a species code for an unidentified species, please provide a detailed description of the animal involved, including color patterns, length, and body shape (drawings are helpful). State whether the animal involved was a cetacean (whale, dolphin, or porpoise), pinniped (seal or sea lion), walrus, manatee or sea otter. You may also use this space for other comments regarding this incident.



# MARINE MAMMAL AUTHORIZATION PROGRAM

## MORTALITY/INJURY REPORTING FORM

National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910

May 2000

### SPECIES AND STOCK CODES FOR MARINE MAMMALS OCCURRING IN U.S. WATERS

#### ***Pinnipeds (seals and sea lions)***

105- Northern (Pribilof) fur seal  
100- Steller (northern) sea lion  
101- California sea lion  
203- Unidentified sea lion  
115- Harbor seal  
117- Ringed seal  
121- Ribbon seal  
116- Spotted seal  
129- Northern elephant seal  
124- Grey seal  
127- Hawaiian monk seal  
204- Unidentified seal

#### ***Small Cetaceans (dolphins and porpoises)***

068- Harbor porpoise  
072- Dall's porpoise  
053- Common dolphin (saddleback)  
049- Pacific white-sided dolphin  
047- Atlantic white-sided dolphin  
054- Bottlenose dolphin  
055- Grampus (Risso's) dolphin  
060- Spinner dolphin  
061- Striped dolphin, streaker  
058- Spotted dolphin  
235- Unidentified small cetacean (porpoise or dolphin)

#### ***Large Cetaceans (toothed whales and baleen whales)***

221- Pilot whale  
038- False killer whale  
016- Beluga whale  
039- Killer whale  
230- Beaked whale  
012- Sperm whale  
220- Unidentified toothed whale  
010- Minke whale  
002- Northern right whale  
005- Gray whale  
011- Humpback whale  
007- Fin whale, Finback  
210- Unidentified baleen whale

#### ***Other Marine Mammals***

135- Sea otter

139- Manatee

114- Walrus

### MORTALITY/INJURY CODES FOR MARINE MAMMALS

01 - visible blood flow	08- listlessness or inability to defend
02- loss of/damage to appendage/jaw	09- inability to swim or dive
03- inability to use appendage(s)	10- equilibrium imbalance
04- asymmetry in shape of body or body position	11- ingestion of gear
05- any noticeable swelling or hemorrhage (bruising)	12- released trailing gear/gear perforating body
06- laceration (deep cut)	13- other wound or injury
07- rupture or puncture of eyeball	14- killed

### COLLECTION MANDATE

This collection of information is mandated by the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et. seq.*), and by implementing regulations contained at 50 CFR 229.4. The information supplied on this form will be used by the National Marine Fisheries Service to estimate levels of incidental mortalities and injuries in U.S. commercial fisheries. Certain information supplied on this form may be considered proprietary and therefore subject to data confidentiality restrictions of 50 CFR Part 229.11.

Public reporting burden for this collection of information is estimated to average 0.15 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Director, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Hwy., Silver Spring, MD 20910-3226.

The National Marine Fisheries Service may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a current and valid OMB control number. The OMB control number for this form is 0648-0292, which expires on 8/31/2003.

register for an Authorization Certificate and decal.

(4) An Authorization Certificate holder must notify the issuing office in writing:

(i) If the vessel or nonvessel fishing gear will engage in any Category I or II fishery not listed on the initial registration form at least 30 days prior to engaging in that fishery; and,

(ii) If there are any changes in the mailing address or vessel ownership within 30 days of such change.

(f) *Reporting.* Any Authorization Certificate holders must comply with the reporting requirements specified under § 229.6.

(g) *Disposition of marine mammals.* Any marine mammal incidentally taken must be immediately returned to the sea with a minimum of further injury, unless directed otherwise by NMFS personnel, a designated contractor or an official observer, or authorized otherwise by a scientific research permit that is in the possession of the operator.

(h) *Monitoring.* Authorization Certificate holders must comply with the observer or other monitoring requirements specified under § 229.7.

(i) *Deterrence.* When necessary to deter a marine mammal from damaging fishing gear, catch, or other private property, or from endangering personal safety, vessel owners and crew members engaged in a Category I or II fishery must comply with all deterrence provisions set forth in the Act and all guidelines and prohibitions published thereunder.

(j) *Self defense.* When imminently necessary in self-defense or to save the life of a person in immediate danger, a marine mammal may be lethally taken if such taking is reported to NMFS in accordance with the requirements of § 229.6.

(k) *Take reduction plans and emergency regulations.* Authorization Certificate holders must comply with any applicable take reduction plans and emergency regulations.

(l) *Expiration.* Authorization Certificates expire at the end of each calendar year.

[60 FR 45100, Aug. 30, 1995, as amended at 62 FR 46, Jan. 2, 1997; 64 FR 9086, Feb. 24, 1999]

#### § 229.5 Requirements for Category III fisheries.

(a) *General.* Vessel owners and crew members of such vessels engaged only in Category III fisheries may incidentally take marine mammals without registering for or receiving an Authorization Certificate.

(b) *Reporting.* Vessel owners engaged in a Category III fishery must comply with the reporting requirements specified in § 229.6.

(c) *Disposition of marine mammals.* Any marine mammal incidentally taken must be immediately returned to the sea with a minimum of further injury unless directed otherwise by NMFS personnel, a designated contractor, or an official observer, or authorized otherwise by a scientific research permit in the possession of the operator.

(d) *Monitoring.* Vessel owners engaged in a Category III fishery must comply with the observer requirements specified under § 229.7(d).

(e) *Deterrence.* When necessary to deter a marine mammal from damaging fishing gear, catch, or other private property, or from endangering personal safety, vessel owners and crew members engaged in commercial fishing operations must comply with all deterrence provisions set forth in the Act and all guidelines and prohibitions published thereunder.

(f) *Self-defense.* When imminently necessary in self-defense or to save the life of a person in immediate danger, a marine mammal may be lethally taken if such taking is reported to NMFS in accordance with the requirements of § 229.6.

(g) *Emergency regulations.* Vessel owners engaged in a Category III fishery must comply with any applicable emergency regulations.

[60 FR 45100, Aug. 30, 1995, as amended at 64 FR 9087, Feb. 24, 1999]

#### § 229.6 Reporting requirements.

(a) Vessel owners or operators engaged in any commercial fishery must report all incidental mortality and injury of marine mammals in the course of commercial fishing operations to the Assistant Administrator, or appropriate Regional Office, by mail or other means, such as fax or overnight mail

## § 229.7

## 50 CFR Ch. II (10–1–01 Edition)

specified by the Assistant Administrator. Reports must be sent within 48 hours after the end of each fishing trip during which the incidental mortality or injury occurred, or, for nonvessel fisheries, within 48 hours of an occurrence of an incidental mortality or injury. Reports must be submitted on a standard postage-paid form as provided by the Assistant Administrator. The vessel owner or operator must provide the following information on this form:

- (1) The vessel name, and Federal, state, or tribal registration numbers of the registered vessel;
- (2) The name and address of the vessel owner or operator;
- (3) The name and description of the fishery, including gear type and target species; and
- (4) The species and number of each marine mammal incidentally killed or injured, and the date, time, and approximate geographic location of such occurrence. A description of the animal(s) killed or injured must be provided if the species is unknown.

(b) Participants in nonvessel fisheries must provide all of the information in paragraphs (a)(1) through (a)(4) of this section except, instead of providing the vessel name and vessel registration number, participants in nonvessel fisheries must provide the gear permit number.

[60 FR 45100, Aug. 30, 1995, as amended at 64 FR 9087, Feb. 24, 1999]

### § 229.7 Monitoring of incidental mortalities and serious injuries.

(a) *Purpose.* The Assistant Administrator will establish a program to monitor incidental mortality and serious injury of marine mammals during the course of commercial fishing operations in order to:

- (1) Obtain statistically reliable estimates of incidental mortality and serious injury;
- (2) Determine the reliability of reports of incidental mortality and injury under § 229.6; and
- (3) Identify changes in fishing methods or technology that may increase or decrease incidental mortality and serious injury.

(b) *Observer program.* Pursuant to paragraph (a) of this section, the Assistant Administrator may observe

Category I and II vessels as necessary. Observers may, among other tasks:

- (1) Record incidental mortality and injury, and bycatch of other nontarget species;
- (2) Record numbers of marine mammals sighted; and
- (3) Perform other scientific investigations, which may include, but are not limited to, sampling and photographing incidental mortalities and serious injuries.

(c) *Observer requirements for participants in Category I and II fisheries.* (1) If requested by NMFS or by a designated contractor providing observer services to NMFS, a vessel owner/operator must take aboard an observer to accompany the vessel on fishing trips.

(2) After being notified by NMFS, or by a designated contractor providing observer services to NMFS, that the vessel is required to carry an observer, the vessel owner/operator must comply with the notification by providing information requested within the specified time on scheduled or anticipated fishing trips.

(3) NMFS, or a designated contractor providing observer services to NMFS, may waive the observer requirement based on a finding that the facilities for housing the observer or for carrying out observer functions are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized.

(4) The vessel owner/operator and crew must cooperate with the observer in the performance of the observer's duties including:

- (i) Providing, at no cost to the observer, the United States government, or the designated observer provider, food, toilet, bathing, sleeping accommodations, and other amenities that are equivalent to those provided to the crew, unless other arrangements are approved in advance by the Regional Administrator;
- (ii) Allowing for the embarking and debarking of the observer as specified by NMFS personnel or designated contractors. The operator of a vessel must ensure that transfers of observers at sea are accomplished in a safe manner, via small boat or raft, during daylight hours if feasible, as weather and sea

(9) The Secretary shall prescribe such procedures as may be necessary to preserve such confidentiality, except that the Secretary shall release or make public upon request any such information in aggregate, summary, or other form which does not directly or indirectly disclose the identity or business of any person.

(e) Reporting requirement

The owner or operator of a commercial fishing vessel subject to this chapter shall report all incidental mortality and injury of marine mammals in the course of commercial fishing operations to the Secretary by mail or other means acceptable to the Secretary within 48 hours after the end of each fishing trip on a standard postage-paid form to be developed by the Secretary under this section. Such form shall be capable of being readily entered into and usable by an automated or computerized data processing system and shall require the vessel owner or operator to provide the following:

(1) The vessel name, and Federal, State, or tribal registration numbers of the registered vessel.

(2) The name and address of the vessel owner or operator.

(3) The name and description of the fishery.

(4) The species of each marine mammal incidentally killed or

injured, and the date, time, and approximate geographic location of such occurrence.

(f) Take reduction plans

(1) The Secretary shall develop and implement a take reduction plan designed to assist in the recovery or prevent the depletion of each strategic stock which interacts with a commercial fishery listed under subsection (c)(1)(A)(i) or (ii) of this section, and may develop and implement such a plan for any other marine mammal stocks which interact with a commercial fishery listed under subsection (c)(1)(A)(i) of this section which the Secretary determines, after notice and opportunity for public comment, has a high level of mortality and serious injury across a number of such marine mammal stocks.

(2) The immediate goal of a take reduction plan for a strategic stock shall be to reduce, within 6 months of its implementation, the incidental mortality or serious injury of marine mammals incidentally taken in the course of commercial fishing operations to levels less than the potential biological removal level established for that stock under section 1386 of this title. The long-term goal of the plan shall be to reduce, within 5 years of its implementation, the incidental mortality or serious injury of marine mammals incidentally taken in the course of commercial fishing operations to insignificant levels approaching a zero mortality and serious injury rate, taking into account the



Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they will also become a matter of public record.

Dated: March 7, 2003.

**Madeleine Clayton,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 03-5877 Filed 3-11-03; 8:45 am]

BILLING CODE 3510-33-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 030603D]

#### Proposed Information Collection; Comment Request; Northwest Region Logbook Family of Forms

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before May 12, 2003.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at [dHynek@doc.gov](mailto:dHynek@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Becky Renko, 206-526-6140, or at [Becky.Renko@noaa.gov](mailto:Becky.Renko@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

This collection contains certain reporting and recordkeeping requirements for vessels in the Pacific Coast Groundfish Fishery in the Exclusive Economic Zone for the northwest. These requirements affect fish processing vessels over 125 feet in length and catcher vessels that deliver their catch to motherships. The information collected is needed to

monitor catch, effort, and production for fishery management purposes.

##### II. Method of Collection

Forms are used for most requirements. These may be submitted by computer or by facsimile machine.

##### III. Data

*OMB Number:* 0648-0271.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 70.

*Estimated Time Per Response:* 13 minutes per day for a Daily Fishing and Cumulative Production Log (DFCPL) from a catcher vessel; 26 minutes per day for a DFCPL from a catcher-processor; 13 minutes per day for a Daily Report of Fish Received and Cumulative Production Log from a mothership; 4.3 minutes per day for a Weekly/Daily Production Report; 20 minutes for a Product Transfer/Offloading Logbook; and 1.25 minutes for a Start or Stop Notification Report.

*Estimated Total Annual Burden Hours:* 1,374.

*Estimated Total Annual Cost to Public:* \$8,890.

##### IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 5, 2003.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 03-5899 Filed 3-11-03; 8:45 am]

BILLING CODE 3510-22-S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 030603E]

#### Proposed Information Collection; Comment Request; Reporting Requirements for Commercial Fisheries Authorization under Section 118 of the Marine Mammal Protection Act

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before May 12, 2003.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at [dHynek@doc.gov](mailto:dHynek@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Patricia Lawson, 301-713-2322, or at [Patricia.Lawson@noaa.gov](mailto:Patricia.Lawson@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

Reporting injury to and/or mortalities of marine mammals is mandated under Section 118 of the Marine Mammal Protection Act. This information is required to determine the impacts of commercial fishing on marine mammal populations. This information is also used to categorize commercial fisheries into Categories I, II, or III. Participants in the first two categories have to be authorized to take marine mammals, while those in Category III are exempt from that requirement. All categories must report injuries or mortalities on a National Marine Fisheries Service form.

##### II. Method of Collection

A paper form is used.

##### III. Data

*OMB Number:* 0648-0292.

*Form Number:* None.

*Type of Review:* Regular submission.  
*Affected Public:* Business or other for-profit organizations, individuals or households.

*Estimated Number of Respondents:* 200.

*Estimated Time Per Response:* 15 minutes.

*Estimated Total Annual Burden Hours:* 50.

*Estimated Total Annual Cost to Public:* \$0.

#### IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 5, 2003

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 03-5900 Filed 3-11-03; 8:45 am]

BILLING CODE 3510-22-S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 030603F]

#### Proposed Information Collection; Comment Request; Highly Migratory Species Dealer Reporting Family of Forms

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995,

Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before May 12, 2003.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at [dHynek@doc.gov](mailto:dHynek@doc.gov)).

#### FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection instrument and instructions should be directed to Dianne Stephan, Highly Migratory Species Division, Northeast Regional Office, National Marine Fisheries Service, 1 Blackburn Dr., Gloucester, MA 01930; phone (978) 281-9397.

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

Under the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), NOAA is responsible for management of the Nation's marine fisheries. In addition, NOAA must comply with the United States' obligations under the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*). NOAA Fisheries must collect domestic landings data for Atlantic highly migratory species via dealer reports in order to provide information vital for fishery management. In addition, the import, export, and re-export of bluefin tuna, bigeye tuna and swordfish must be monitored by the United States in order to comply with international obligations established through membership in the International Commission for the Conservation of Atlantic Tunas (ICCAT). ICCAT has implemented a trade monitoring program for bluefin tuna, bigeye tuna and swordfish to discourage illegal, unregulated and unreported fishing activities as well as further understanding of catches and international trade for these species.

This collection will serve as an umbrella, or family of forms, for Atlantic highly migratory species dealer reporting requirements. Four activities will occur as a result of this action: (1) new reporting requirements will be implemented;

(2) previously approved information collections will be modified and transferred into this collection; (3) previously-approved collections will be renewed; and (4) reporting requirements will be transferred to this collection without modification.

New reporting requirements will be implemented in order to execute recent binding recommendations of ICCAT. Newly required bigeye tuna statistical documents and re-export certificates and document validation upon export will be added to this collection, along with swordfish and bluefin tuna re-export certificates, which must be validated prior to export.

The swordfish import certificate of eligibility will be transferred from collection approval 0648-0363 and expanded into a swordfish statistical document required for import and export of this species; the document must be validated prior to export. The swordfish import biweekly reporting form will be moved from collection approval 0648-0013 and modified to address bigeye tuna and swordfish imports, exports, and re-exports.

The required use of bluefin tuna statistical documents in the international trade of bluefin tuna will be renewed by this action, along with validation of these forms prior to export (0648-0040).

Finally, the HMS domestic biweekly landings report and associated negative reporting used by the southeast region of NOAA Fisheries will be incorporated from collection approval 0648-0013, and the bluefin tuna tagging, daily landing and biweekly reports will be incorporated from collection approval 0648-0239, both without modification.

##### II. Method of Collection

Dealer reporting for domestic purchase and international trade of certain Atlantic and Pacific highly migratory species is covered by this collection. Specifically, this collection addresses dealer reporting for import, export and re-export of Atlantic and Pacific swordfish, bigeye, and bluefin tuna; and domestic purchase of Atlantic tunas, Atlantic swordfish, and Atlantic sharks.

Under this collection, dealers who import, export, or re-export bluefin tuna, bigeye tuna or swordfish must report all transactions to NOAA on biweekly reporting forms which may be mailed or faxed. Species-specific statistical documents for export must be completed and transferred with the shipment, with copies mailed or faxed to NOAA. Original statistical documents for imports terminated in the U.S. must be mailed to NOAA Fisheries. When bluefin tuna, bigeye tuna, or swordfish are re-exported, a re-export certificate must be completed and transferred with the shipment with copies provided to NOAA Fisheries. Shipments for export and/or re-export must be validated through certification by a government